

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MAX BIRMINGHAM,

Plaintiff,

v

DANA NESSEL,

Defendant.

No. 1:20-cv-00329

HON. JANET T. NEFF

MAG. PHILLIP J. GREEN

Max Birmingham
Pro Per Plaintiff
323 E. 108th Street, Apt. 24
New York, NY 10029
(617) 756-5473

Kendell S. Asbenson (P81747)
Patrick L. O'Brien (P78163)
Attorneys for Defendant
Michigan Department of Attorney General
Civil Litigation, Employment & Elections
Division
P. O. Box 30736
Lansing, MI 48909
(517) 335-7659

DEFENDANT'S MOTION TO DISMISS

In lieu of an answer to the complaint, Defendant Dana Nessel, by counsel, moves for dismissal of Plaintiff Max Birmingham's complaint pursuant to Fed. R. Civ. P. 12(b)(1) because Birmingham does not have standing to bring this complaint.

Respectfully submitted,

Dana Nessel
Attorney General

s/Kendell S. Asbenson
Kendell S. Asbenson (P81747)
Assistant Attorney General
Attorneys for Defendant
Civil Litigation, Employment &
Elections Division
P. O. Box 30736
Lansing, MI 48909
(517) 335-7659
asbensonk1@michigan.gov
P81747

Dated: June 23, 2020

CERTIFICATE OF SERVICE

I hereby certify that on June 23, 2020, I electronically filed the above document(s) with the Clerk of the Court using the ECF System, which will provide electronic copies to counsel and parties of record.

s/Kendell S. Asbenson
Kendell S. Asbenson (P81747)
Assistant Attorney General
Attorneys for Defendant
P. O. Box 30736
Lansing, MI 48909
(517) 335-7659
asbensonk1@michigan.gov